



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/540,524)	
Filed: March 31, 2000)	Art Unit: 2862
Confirmation No.: 1816)	Examiner: T. Fetzner
Inventors: J. Tamez-Peña et al)	Docket No.: 000687.00138
Title: MAGNETIC RESONANCE IMAGING)	
WITH RESOLUTION AND CONTRAST)	
ENHANCEMENT)	

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Response
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TECHNOLOGY CENTER 2800

**SUPPLEMENTAL RESPONSE TO OFFICE ACTION
AND REQUEST FOR CONFERENCE PERIOD INTERVIEW**

Hon. Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

Sir:

At the outset, the Applicants acknowledge with appreciation the courtesy shown by the Examiner during the telephone interview conducted July 2, 2002. During the interview, the differences between the present claimed invention and the teachings of *Freundlich et al* were discussed. The Examiner acknowledged that the reference does not teach the present claimed invention verbatim, but maintained that a person skilled in the art would have understood that Fig. 2 of the reference teaches the present claimed invention, as evidenced by textbooks on the subject. The Applicants' representative noted that such textbooks are not now of record in the present application and if they were to be relied upon to show inherency, they would have to be made of record, since he could not be expected to argue prior art not of record. The Examiner kindly agreed to supply such references in the next Office Action.

Pursuant to the interview, the Applicants respectfully request that all references relied upon to show that the present claimed invention is inherent in the applied reference be cited and


made of record, and that copies be supplied, in the next Office Action. A party asserting that a claim is inherently anticipated has the burden of proof on that issue. *Kalman v. Kimberly-Clark Corporation*, 218 U.S.P.Q. 781, 789 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 (1984). As explained above, the Applicants respectfully submit that the burden has not been met.

The Applicants also acknowledge the Examiner's kind offer of a supplemental interview with one of the Applicants. The Applicants expect that one of the inventors will shortly be available for such an interview and respectfully request that it be granted.

Please charge any shortage or credit any overpayment of fees to BLANK ROME COMISKY & MCCAULEY LLP, Deposit Account No. 23-2185 (000687.00138). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this Response or is insufficient to render this Response timely, the Applicants hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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By: 
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